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GOVERNMENT OF INDIA

MINISTRY OF LAW

(Reforms)

NOTIFICATION

New Delhi, the 7th September 1947

No. G.G.O. 26.—The following Order made by the Governor-General is published for general information. Certain provisions of the Order are consequential upon the awards of the Bengal and Punjab Boundary Commissions which were announced in the Gazette of India Extraordinary dated the 17th August, 1947. The Government of India wish to make it clear that they consider the awards to be unsatisfactory and unreasonable in certain parts and it is only because there was an agreement between the parties to the arbitration proceedings to abide by the decisions of the Boundary Commissions that they propose for the present to accept the boundaries determined by them. They intend, however, to seek to modify the terms of the awards by such methods as may be found suitable.

THE INDIA PROVISIONAL CONSTITUTION AND PROVINCIAL LEGISLATURES (AMENDMENT) ORDER 1947.

WHEREAS in the exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, the Governor-General was pleased to make the India (Provisional Constitution) Order, 1947, and the India (Provincial Legislatures) Order, 1947;

AND WHEREAS sub-section (5) of section 19 of the said Act provides that any power conferred by that Act to make any order includes power to revoke or vary any order previously made in the exercise of that power;

AND WHEREAS sub-section (3) of section 9 of the said Act provides that any order made under that section may be made so as to be retrospective to any date not earlier than the third day of June, 1947;

AND WHEREAS in consequence of the awards of the Boundary Commissions referred to in sections 3 and 4 of the said Act it is necessary to amend the provisions of the India (Provisional Constitution) Order, 1947, and of the India (Provincial Legislatures) Order, 1947, in certain respects;

NOW THEREFORE in the exercise of the powers conferred on him as aforesaid and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order :—

1. This Order may be cited as the India Provisional Constitution and Provincial Legislatures (Amendment) Order, 1947.

2. In the list of adaptations pertaining to the Fifth Schedule to the Government of India Act, 1935, as set out in the Schedule to the India (Provisional Constitution) Order, 1947, the table with the heading "Table of Seats, Provincial Legislative Assembly" shall be amended as follows :—

(a) for the entries in columns 2, 3 and 7 against West Bengal, the entries "90", "44" and "21" shall respectively be substituted;

(b) for the entries in columns 2, 3, 6 and 7 against East Punjab, the entries "81", "31", "20" and "23" shall respectively be substituted;

(c) for the entries in columns 2, 3, 4, and 7 against Assam, the entries "71", "37", "5" and "16" shall respectively be substituted.

3. In Article 2 of the India (Provincial Legislatures) Order, 1947, in paragraph (1) the following definition shall be added :—

"Bengal constituency" means a constituency specified in the Fourth Schedule to the Government of India (Provincial Legislative Assemblies) Order, 1936, as in force at the commencement of this Order.

4. In Article 4 of the India (Provincial Legislatures) Order, 1947.—

(a) in the proviso to paragraph (1), after the words "Commerce constituency" the words "or the Presidency Landholders constituency" shall be inserted;

(b) For paragraph (2), the following paragraph shall be substituted—

"(2) The sitting members of the Bengal Legislative Assembly representing the Bengal constituencies specified in the first column of the following Table shall as from the appointed day be deemed to have

been elected by the West Bengal constituency specified in the corresponding entry in the second column of the Table :

TABLE

Bengal Constituency	West Bengal Constituency
(i) General Urban Presidency Division Municipal	(i) General Urban Northern District Municipal
(ii) Muhammadan Rural Nadia West Dinajpur Central West Malda North	(ii) Muhammadan Rural Navadwip West Dinajpur Malda
(iii) University Calcutta University	(iii) University University

(c) sub-paragraphs (a) and (b) of paragraph (3) shall be re-lettered as sub-paragraphs (d) and (e) respectively, and before the sub-paragraphs as so re-lettered, the following sub-paragraphs shall be inserted :—

“(a) the Navadwip general rural constituency,
(b) the West Dinajpur-cum-Malda general rural constituency,

(c) the Presidency Landholders constituency,”;

(d) in paragraph (4), for the words “first day” the words “fifteenth day” shall be substituted.

5. In Article 5 of the India (Provincial Legislatures) Order, 1947,—

(a) in the table in paragraph (2),—

(i) the words “cum Amritsar District” shall be omitted; and

(ii) the following entry shall be added :—

“Sikh rural constituency
of Kasur”

Sikh rural constituency
of Patti”;

(b) in paragraph (4), for the words “first day” the words “fifteenth day” shall be substituted.

6. After Article 7 of the India (Provincial Legislatures) Order, 1947, the following Articles shall be added :—

“8. Where in respect of any person who, under the provisions of Article 4 or Article 5 of this Order, is deemed to have been elected to the Legislative Assembly of West Bengal or of East Punjab, as the case may be, any enquiry into an election petition was immediately before the appointed day pending under the provisions of the Government of India (Provincial Elections) (Corrupt Practices and Election Petitions) Order, 1936,—

(a) the enquiry shall be continued before such commissioners as may be appointed in this behalf by the

Governor of West Bengal or of East Punjab, as the case may be, in accordance with the provisions of Part III of the said Order :

Provided that the commissioners may direct that any evidence already recorded shall remain on record, and in that case it shall not be necessary to re-examine those witnesses who have already been examined and discharged;

(b) if upon the completion of the enquiry and the submission by the commissioners of their report, orders are issued by the Governor declaring the election of the person to be void, such person shall cease to be a member of the Legislative Assembly of West Bengal or of East Punjab, as the case may be.

9. (1) No person shall be a member both of a Provincial Legislature in India and of a Legislature, whether Central or Provincial, in Pakistan.

(2) If a person who is a member of a Provincial Legislature in India has been, or hereafter is, chosen as a member of a Legislature in Pakistan, then, at the expiration of one month from the appointed day or the date on which he is so chosen, whichever is later, his seat in the Provincial Legislature in India shall become vacant unless he has previously resigned his seat in the Legislature in Pakistan."

7. In the list of adaptations pertaining to the Government of India (Provincial Legislative Assemblies) Order, 1936, as set out in the Schedule to the India (Provincial Legislatures) Order, 1947,—

(1) the adaptations of sub-paragraph (1) of paragraph 15 of Part IV of the Order shall be amended by substituting for the words "Jalpaiguri and Darjeeling districts" the words "that portion of the former Rajshahi division which is within the Province of West Bengal";

(2) the Fourth Schedule specifying the West Bengal constituencies shall be amended as follows:—

(a) in the table in Part I,—

(i) after the entry relating to the 24-Parganas Municipal constituency, insert the following entry:—

"Northern Districts The Municipalities of the Nabadwip, 1
Murihiddatd, Malda, West Liapir
Maniopal. and Jalpaiguri districts.

(ii) after the entry relating to the 24-Parganas North-West constituency insert the following entries:—

"Navadwip	The Navadwip district excluding municipal areas.	1	...
Murshidabad	The Murshidabad district excluding municipal areas.	2	1
West Dinajpur-cum-Malda.	The West Dinajpur and Malda districts excluding municipal areas.	2	1"

(iii) omit the entry relating to the Khulna constituency;

(b) in the table in Part II,—

(i) after the entry relating to the 24-Parganas North-East constituency insert the following entries:—

"Navadwip	The Navadwip district	1	...
Berhampore	The Sadar Sub-Division of the Murshidabad district.	1	...
Murshidabad (South).	The Lalbagh and Kandi sub-divisions of the Murshidabad district.	1	...
Jangipur	The Jangipur sub-division of the Murshidabad district.	1	...
West Dinajpur	The West Dinajpur district	1	...
Malda	The Malda district	1"	...

(ii) omit the entries relating to the Khulna, Satkhira and Bagerhat constituencies;

(c) in the table in Part IV, omit "(excluding the Chittagong Hill Tracts)";

(d) in the table in Part VI, for "Khulna and 24-Parganas" substitute "24-Parganas and Murshidabad";

(e) in the table in Part VIII, omit "Chittagong Hill Tracts and";

(3) the Sixth Schedule specifying the East Punjab constituencies shall be amended as follows:—

(a) in the table in Part I, —

(i) in the entry relating to the Eastern Towns constituency, for "and Tarn Taran" substitute "Tarn Taran, Patti, Batala, Gurdaspur, Pathankot and Dalhousie"; for "and Ferozepore" substitute "Ferozepore, Balun and Bakloh"; and after "Civil Lines of Hoshiarpur" insert "and Gurdaspur";

(ii) after the entry relating to the Amritsar constituency, insert the following entry:

"Gurdaspur The Gurdaspur district

(b) in the table in Part II,—

(i) in the entry relating to the Eastern Towns constituency, for "and Tarn Taran" substitute "Tarn Taran, Patti, Batala, Gurdaspur, Pathankot and Dalhousie"; for "and Ferozepore" substitute "Ferozepore, Balun and Bakloh"; and after "Civil Lines of Hoshiarpur" insert "and Gurdaspur";

(ii) after the entry relating to the Ajnala constituency, insert the following entries :—

"Gurdaspur East	The Gurdaspur and Pathankot tahsils of the Gurdaspur district.	1
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Batala	The Batala tahsil of the Gurdaspur district	1";
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(c) in the table in Part III,—

(i) in the entry relating to the Eastern Towns constituency for "and Tarn Taran" substitute "Tarn Taran, Patti, Batala, Gurdaspur, Pathankot and Dalhousie"; for "and Ferozepore" substitute "Ferozepore, Balun and Bakloh"; and after "Civil Lines of Hoshiarpur" insert "and Gurdaspur";

(ii) after the entry relating to the Amritsar South constituency, insert the following entries :—

"Patti	The Patti Sub tahsil of the Amritsar district	1
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Gurdaspur North	The Gurdaspur and Pathankot tahsils of the Gurdaspur district.	1
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Batala	The Batala tahsil of the Gurdaspur district	1"
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(d) in the table in Part VI, omit "cum Amritsar District" and "and Amritsar district".

(e) in the table in Part VII, after the word "Jullundur" insert the word "Gurdaspur";

(4) the Ninth Schedule specifying the Assam constituencies shall be amended as follows :—

(a) in the table in Part I, after the entry relating to the North Lakhimpur constituency insert the following entry :—

"Karimganj (East)	Karimganj, Patharkandi, Bedarpur and Ratebari thanas.	2
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(b) in the table in Part II after the entry relating to the Lakhimpur constituency insert the following entry :—

"Karimganj (South)	Karimganj, Patharkandi, Bedarpur and Ratebari thanas.
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8. The amendments made by the preceding provisions of this Order in the India (Provisional Constitution) Order, 1947, and the India (Provincial Legislatures) Order, 1947, shall be deemed to have been made on the fifteenth day of August, 1947, and shall have effect accordingly.

MOUNTBATTEN OF BURMA,

Governor-General.

K. V. K. SUNDARAM,
Officer on Special Duty.

Government of India.
GOVERNMENT OF INDIA
MINISTRY OF LAW
(Reforms)

NOTIFICATION

New Delhi, the 6th October 1947

No. G. G. O. 27. The following Order made by the Governor-General is published for general information :

THE INDIA PROVISIONAL CONSTITUTION (SECOND AMENDMENT) ORDER, 1947.

WHEREAS in the exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, the Governor-General was pleased to make the India (Provisional Constitution) Order, 1947 (hereinafter referred to as "the principal Order");

AND WHEREAS sub-section (5) of section 19 of the said Act provides that any power conferred by that Act to make any order includes power to revoke or vary any order previously made in the exercise of that power;

AND WHEREAS sub-section (3) of section 9 of the said Act provides that any order made under that section may be made so as to be retrospective to any date not earlier than the third day of June, 1947;

Now, THEREFORE, in the exercise of the powers conferred on him as aforesaid and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order :--

1. (1) This Order may be cited as the India Provisional Constitution (Second Amendment) Order, 1947.

(2) It shall be deemed to have effect from the fifteenth day of August, 1947.

2. The Schedule to the principal Order shall be amended by inserting in the list of adaptations pertaining to the Government of India Act, 1935, --

(a) before the entry relating to paragraph 20 of the Fifth Schedule to the said Act, the following entry :--

"To paragraph 19, add :--

'For the purposes of this paragraph, a person shall be deemed to be a native of India or Pakistan or an Indian State if, and only if, he is a person domiciled in India, Pakistan or an Indian State and born of parents habitually resident in the territories comprised therein and not established there for temporary purposes only.'": and

(b) after the entry relating to sections 312 to 320 of the said Act, the following entries :—

Section	Adaptations
19	In sub-section (2), for " Governor-General " substitute " President of the Dominion Legislature ".
22	To sub-section (4), add the following :— " Any reference in this Act to the President of the Dominion Legislature shall, except in sections 19 and 38, be construed as including a reference to any other person elected by the Constituent Assembly to preside over that Assembly when it functions as the Dominion Legislature under this Act "
49	In sub-section (1), for " Federal " substitute " Dominion Legislature ".
107	In the proviso to sub-section (2), omit " either Chamber of ".
137	In the proviso, for " Federal purposes " substitute " Dominion purposes ".
141	In sub-section (1), omit " either Chamber of ".
150	In sub-section (2), for " Federal " substitute " Dominion Legislature ".
166	In sub-section (1), for " His Majesty " substitute " the Governor-General ".
176	In sub-section (1), for " Federal " substitute " Dominion Legislature ".
178	In sub-section (3), for " Federal " substitute " Dominion Legislature ".
220	In clause (c) of sub-section (3), omit " British ".
225	For " Federal " substitute " Dominion ".
226	In sub-section (2), for " in a Chamber of the Federal or a Provincial Legislature " substitute " in the Dominion Legislature or in a Chamber of a Provincial Legislature ".
242	In sub-section (4), for " said section " substitute " last preceding section ".
296	In sub-section (1), for " Federal or " substitute " Dominion Legislature or of ".
299	In sub-section (2), for " Federal " substitute " Dominion Legislature ".
304	Omit " by His Majesty ".
311	In sub-section (2), in the definition of " estate duty ", for " Federal " substitute " Dominion ".

MOUNTBATTEN OF BURMA,
Governor-General.

K. V. K. SUNDARAM,
Secretary.